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**Canada. Canadian Citizenship Branch**

**Supreme Court of Canada**

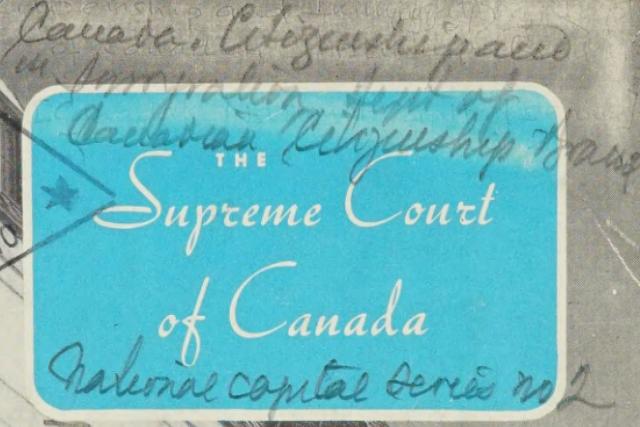


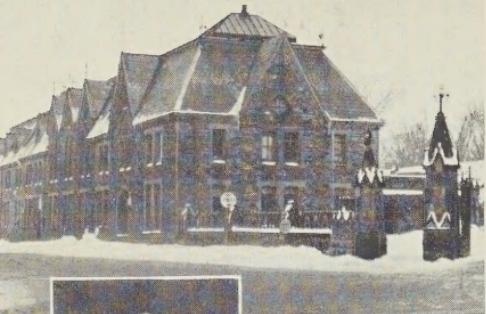
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UNIVERSITY

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The Old Supreme Court Building at the foot of Parliament Hill was the home of the Court from 1876 until 1946.



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# The Constitution and

The government of Canada consists of three branches, the legislative which enacts the law, the executive which administers it, and the judicial branch which interprets.

With respect to the latter branch, the Fathers of Confederation provided for "the constitution, maintenance and organization of a general Court of Appeal for Canada". The function of this federal Court is to serve as an appeal tribunal from decisions of the lower courts. In addition, it determines the validity of statutes referred to the Court by the executive branch.

The Canadian constitution empowered both federal and provincial legislatures to pass laws. As a result, jurisdictional disputes sometimes arose. A supreme judicial body, therefore, was necessary to determine the validity of the enactments of the various legislatures in case of such disputes. This duty was assigned to the Supreme Court.

At the time of Confederation, private persons, corporations and provinces could appeal certain decisions of the provincial courts direct to the Judicial Committee of the Privy Council in England. Continuance of this right of appeal, in view of the setting up of the new Supreme Court, was naturally a vital question and the subject of much discussion. Until 1949, however, there remained that right of appeal; a right of appeal from certain decisions in Admiralty (for example, arising out of collisions at sea); and the power of the Judicial Committee to grant or refuse leave to appeal from decisions of the Supreme Court of Canada (except in criminal cases where the right to grant leave had been abolished in 1932).

Bills for the creation of the Court introduced in the Canadian Parliament in 1869 and 1870 were withdrawn. However, on April 5th, 1875, a new Bill which had been introduced was passed. The statesmen most prominent in the establishment of the Supreme Court were Sir John A. MacDonald, Hon. Telesphore Fournier, Sir Alexander Mackenzie and Hon. Edward Blake.

The members of the first Court were appointed on October 8th, 1875, and the Court held its first session

## CHIEF JUSTICES

1. Hon. Sir William Buell Richards - - - - from 1875 to 1879
2. Hon. Sir William Johnston Ritchie - - - from 1879 to 1892
3. The Rt. Hon. Sir Samuel Henry Strong - - from 1892 to 1902
4. The Rt. Hon. Sir Henri Elzear Taschereau - from 1902 to 1906

# Early Beginnings of the Court

on January 11th, 1876. The Court was composed of a Chief Justice, Hon. William Buell Richards (afterwards knighted), and five puisne, or associate Justices, Hon. William Johnston Ritchie (the second Chief Justice and later knighted), The Rt. Hon. Samuel Henry Strong (the third Chief Justice and later knighted), Hon. Jean Thomas Taschereau, Hon. Telesphore Fournier, and Hon. William Alexander Henry. Each member of the Court was also a Judge of the newly erected Exchequer Court but subsequently provision was made for the appointment of others to that Court.

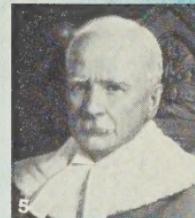
A series of reports of the cases argued before the Court was commenced in 1878, under the supervision of the Registrar, Mr. Robert Cassels, Jr., the Reporter being Mr. George Duval. The first reported decision in Volume (1) of the Reports of the Supreme Court of Canada was an appeal from the Supreme Court of Judicature of Prince Edward Island in which Mr. L. H. Davies (later Sir Louis Davies, sixth Chief Justice of the Court) appeared as one of the counsel for the appellant, Francis Kelly, Commissioner of Public Lands of Prince Edward Island. One of the Justices was Telesphore Fournier, who had, in 1875, introduced the bill, which finally became law, establishing the Court. This case was argued in June, 1876, and was decided on January 15th, 1877. Since then the reports have been continued, although for some time they have been known by the year of publication, the current volume (1954) being the ninety-eighth.

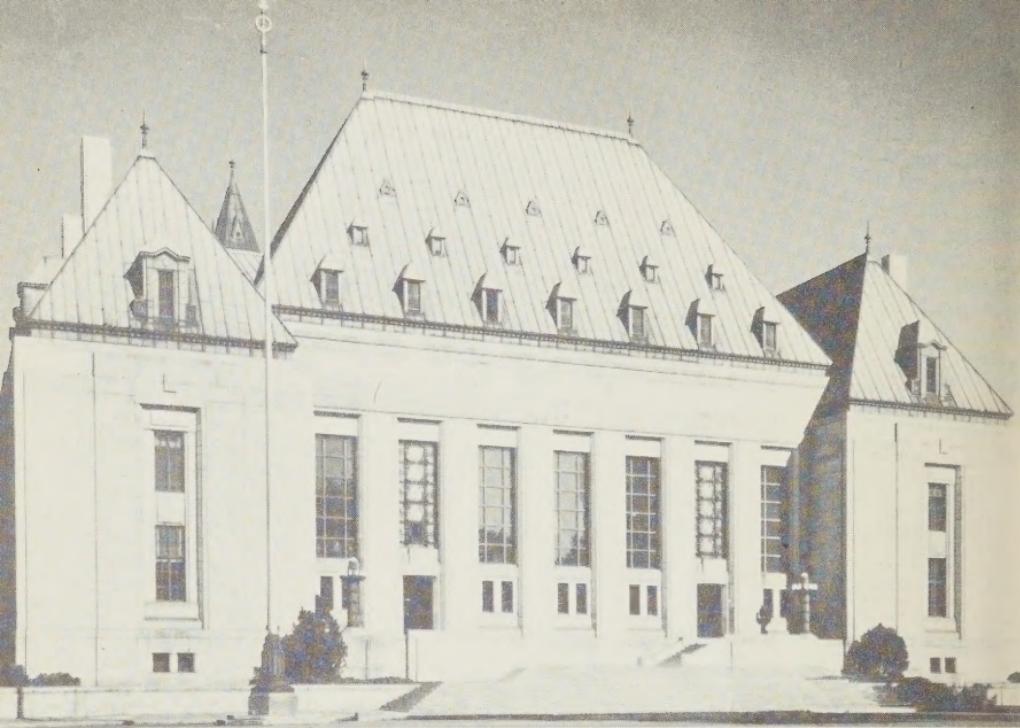
In 1927 the number of Justices was increased from six to seven and in 1949 to nine. Of these, at least three are to be appointed from the Province of Quebec, from among the Judges of the Court of Queen's Bench or of the Superior Court, or the barristers or advocates of that province.

The first sittings of the Court were held in the Railway Committee Room of the House of Commons; thereafter the Court sat in a small two storey building at the foot of Parliament Hill on Bank Street, the intention being that a suitable court building would be erected with a minimum of delay. It was, however, to be sixty years before the present imposing edifice was begun.

## CHIEF JUSTICES

5. The Rt. Hon. Sir Charles Fitzpatrick - - -	from 1906 to 1918
6. The Rt. Hon. Sir Louis Henry Davies - - -	from 1918 to 1924
7. The Rt. Hon. Francis Alexander Anglin - - -	from 1924 to 1933
8. The Rt. Hon. Sir Lyman Poore Duff - - -	from 1933 to 1944
9. The Rt. Hon. Thibaudeau Rinfret - - -	from 1944 to 1954





## *The* **SUPREME COURT TO-DAY**

The cornerstone of the structure which houses the Supreme Court to-day was laid by the present Queen Mother on May 20th, 1939. Due to the conditions arising out of the Second World War, it was not until 1946 that the Court was able to occupy the building.

The status of the tribunal as the Court of last resort for Canada dates from December 23rd, 1949, when the Supreme Court Act was amended to this effect by the Canadian Parliament. As early as 1939 the Governor in Council had sought a ruling from the Court as to the competency of Parliament to pass a law to that effect. The Court held that such a law lay within the powers of Parlia-

ment. An appeal was taken to the Judicial Committee of the Privy Council, but, owing to the war, argument was not heard until 1946 and judgment was delivered in 1947 affirming that of the Supreme Court of Canada.

By virtue of Section 55 of the Supreme Court Act, important questions of law or fact concerning the interpretation of the British North America Act, the constitutionality or interpretation of any federal or provincial legislation, the powers of Parliament or of the provincial legislatures or of the respective governments, among other matters, may be referred to the Supreme Court for consideration.

Apart from this Section 55, and certain original jurisdiction in habeas corpus proceedings, the Supreme Court is, of course, a court of appeal. In criminal cases the Court has jurisdiction to hear appeals in cases of indictable offences where there has been a dissenting judgment on a point of law in a provincial court of appeal. The Court may also hear appeals on questions of law, and as well in cases of summary convictions, as in cases of indictable offences, if leave to appeal is granted by a member of the Court.

In civil cases, generally speaking, the amount involved in an appeal must be at least \$2,000. but the Court also has jurisdiction in what is known as

The splendid fountain and terrace at the rear of the Supreme Court Building overlooks the Ottawa River and the city of Hull, Quebec.





The bust of Sir Lyman Duff stands at the entrance to the Supreme Court Room.

habeas corpus and mandamus proceedings and may grant leave to appeal in other cases even where \$2,000. is not involved. Appeals to the Court must be from the judgment of the highest Court in the province having jurisdiction to deal with the particular case. The Court may hear appeals by the "poor man". These appeals are known as appeals "in forma pauperis" and special rules have been passed dealing with them.

## THE COURT IN SESSION

The Supreme Court holds three sessions during the year—in January, April and October. The Court sits only in its own court room at Ottawa and its sessions are open to the public. A quorum consists of five members, although in constitutional cases, and in capital cases, i.e., when a man's life is at stake, the full Court usually sits; and in some cases seven may sit. Unless by special leave of the Court, the only persons who may appear before the Court to argue, apart from litigants themselves, are barristers from any Canadian province. The Justices appear in black silk robes except at the opening of each session, on judgment days, and when hearing appeals in capital cases. On these occasions the Justices appear in robes of bright scarlet trimmed with





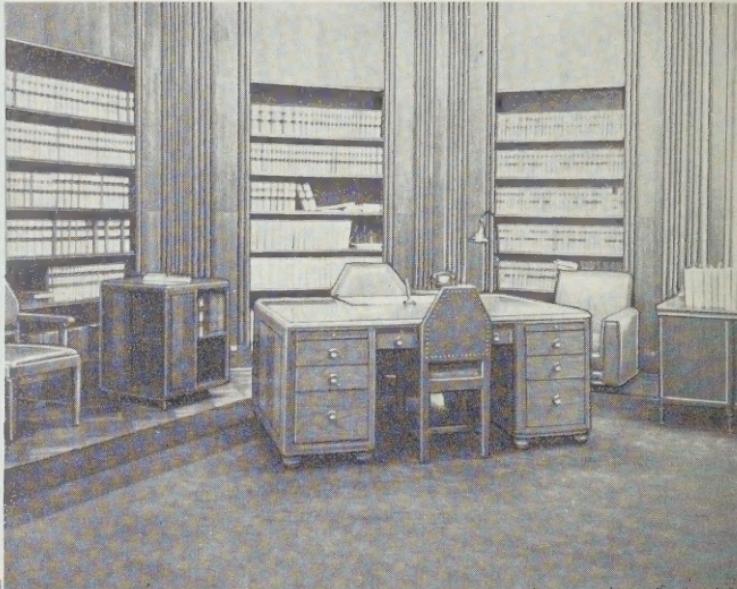
ermine, which they also wear on the floor of the Senate at the opening of each session of Parliament. The Court in all cases has available to it a record of the pleadings, the evidence and the exhibits submitted and the judgments rendered in the case by the lower courts. During argument of the appeal, any Justice may ask questions of the lawyers engaged. The decision of the Court is seldom rendered at the time the case is heard, but is reserved for further consideration. The decision of the Court need not be unanimous. Where all the Justices agree on the grounds upon which an appeal should be determined, one judgment only is rendered. Each Justice may, however, write his own reasons in any case if he chooses to do so.

The nine members of the Court are shown in their places in the Supreme Court Room, dressed in their scarlet and ermine robes.

# JUSTICES' CHAMBERS

The Chief Justice and the eight Justices have their own private suites of offices where they give individual consideration to cases and the writing of judgments. A special library for their exclusive use is conveniently located.

Right . . . The private office of the Chief Justice is panelled in plain walnut with furniture upholstered in red leather. Immediately adjoining is a reception room, opening into the office of the Chief Justice's secretary and thence to the Library reserved for the use of the Members of the Court.



Left...Each Justice of the Court has a private office, with connecting reception room and secretary's office.



Left . . . The Conference Room where the Justices meet to discuss cases and judgments. It is beautifully panelled in walnut while the furniture has red leather upholstery. It measures 26 feet by 42 feet and is located on the third floor.



Right . . . The private Library on the second floor is for the exclusive use of the members of the Court. It contains ten thousand specially selected volumes. The Library is panelled in walnut and has a floor of walnut parquet. Ample accommodation is provided for quiet study and research.



Left . . . The Lawyers' Robing Room on the second floor where lockers and desk accommodation are provided for members of the Bar who are appearing before the Court.

# THE LIBRARY



The Library, one of the most valuable law libraries in Canada, comprises about 135,000 books. Here are found copies of all the statutes of Canada and of every province and of Great Britain and the various countries of the Commonwealth. The Library contains all the reports of decisions of the Supreme Court of Canada and the Exchequer Court, and of all the Provincial Courts. There is a very comprehensive collection of reports of the Courts of Great Britain and Ireland, and of the other Courts of the Commonwealth countries.

There is a separate division comprising nearly 40,000 books and containing reports of every State in the United States of America. There are practically all the legal textbooks published in Great Britain and Canada and a great number from every part of the Commonwealth and from the

United States, as well as a division of law treatises and reports from France and Belgium containing about 15,000 books.

In addition, there is a precious collection of rare books and folios of the sixteenth, seventeenth and eighteenth centuries pertaining to the common law and the law of France the latter of which, particularly, are of great importance in considering the civil code of the province of Quebec. In addition, the Library contains a number of biographies and autobiographies of men known to the law, as well as volumes of a more general nature.



# ARCHITECTURE

The principal consideration in the design of the Supreme Court Building was to provide a dignified setting worthy of the country's highest tribunal.

Two bronze entrance doors give access to the Grand Entrance Hall, measuring 108 feet by 56 feet and 40 feet in height. The walls of the Hall are Louis XIV, rubané marble, the floor being of Verdello and Montanello marble. Four marble columns along the end walls support a deep coffered ceiling.

At each end of the Grand Entrance Hall is a courtroom of the Exchequer Court of Canada, the walls of which are walnut panelled with Australian zebrano wood pilasters trimmed with Honduras mahogany. The chambers of the Judges of the Exchequer Court and the offices of the Registrar are reached by a corridor which encircles the building. This corridor, with Missisquoi marble floor and walls, is repeated on the first and second floors.

The courtroom of the Supreme Court of Canada occupies the centre of the building on the first floor above the ground floor. The public access to the courtroom is by double flights of a grand staircase leading up from the Grand Entrance Hall. Verdello marble has been used for this staircase with Golden Morocco marble for the ramps.

The courtroom has black walnut walls between fluted pilasters. Six windows, 25 feet in height, open on interior light courtyards, away from outside noises. Special attention has been given to the acoustical treatment of the room to permit the carrying on of the proceedings with normal conversational voice. A lounge for the barristers and the various officers, which must be accessible to them, has been located on this floor, which also contains the Record Room, the Registrar's Chambers and suite.

The second floor, of a more private character, houses nine Justices' suites each comprising an anteroom, a secretary's office, a Justice's private study with lavatory and coat room. Black walnut has been used for the walls and floors of these offices and anterooms. Various marbles have been used for the mantelpieces in private offices. Also on this floor is the Justices' private Library.

On the third floor is the Justices' Conference Room and the Main Library. The Library is situated above the Grand Entrance Hall and occupies the equivalent area of 108 feet by 56 feet. At each end of the room are connecting stack-rooms equipped with large-capacity book racks.

At the entrance to the building are fluted metallic torch-like pillars with clusters of lighting brackets at the top.



## GRAND ENTRANCE HALL

Measuring forty feet in height, with a floor area of 1500 square feet, the Grand Entrance Hall is one of the finest in Canada. It is finished in marble and bronze and is the outer entrance to the Supreme Court Room and the two Exchequer Courts. The Supreme Court Building is open to the public from nine to five on normal working days.





# *The* MEMBERS OF THE COURT

The Justices of the Supreme Court are appointed by the Governor in Council by letters patent under the Great Seal of Canada. They can be chosen from among the Judges of the Superior Courts of any of the provinces of Canada or from the barristers or advocates of at least ten years' standing at the bar of any of the provinces.

No Justice may hold any other remunerative office under the federal or provincial government. All the Justices must reside in Ottawa or within five miles thereof. A Justice holds office during good behaviour until he attains the age of seventy-five years, but is removable before that time by the Governor General on address of the Senate and House of Commons.

The other officers of the Court consist of the Registrar, Librarians, Law Reporters, Process Clerk and Administrative Officer.

The Chief Justices of the Court from its inception are as follows:—

	Chief Justice	From	To
Hon.	Sir William Buell Richards	Oct. 8, 1875	Jan. 9, 1879
Hon.	Sir William Johnston Ritchie	Jan. 11, 1879	Sept. 23, 1892
Rt. Hon.	Sir Samuel Henry Strong, P.C.	Dec. 13, 1892	Nov. 18, 1902
Rt. Hon.	Sir Henri Elzear Taschereau, P.C.	Nov. 21, 1902	May 2, 1906
Rt. Hon.	Sir Charles Fitzpatrick, P.C., G.C.M.G.	June 4, 1906	Oct. 21, 1918
Rt. Hon.	Sir Louis Henry Davies, P.C., K.C.M.G.	Oct. 23, 1918	May 1, 1924
Rt. Hon.	Francis Alexander Anglin, P.C.	Sept. 16, 1924	Feb. 28, 1933
Rt. Hon.	Sir Lyman Poore Duff, P.C., G.C.M.G.	Mar. 17, 1933	Jan. 7, 1944
Rt. Hon.	Thibaudeau Rinfret, P.C.	Jan. 8, 1944	June 21, 1954
Hon.	Patrick Kerwin, P.C.	July 1, 1954	—

# The Hon. Patrick Kerwin, P. C.

CHIEF JUSTICE  
OF CANADA



The Chief Justice of the Court is the Honourable Patrick Kerwin, P.C., who was appointed Chief Justice of Canada and a Member of Her Majesty's Canadian Privy Council on July 1st, 1954, and took the oaths of office on the same day before His Excellency the Governor General. He was born at Sarnia, Ontario, on October 25th, 1889, the son of Patrick Kerwin and Ellen Gavin and in 1914 married Georgina Mary Mace, the daughter of George A. Mace and Bridget Ryan. One daughter and three sons were born of this marriage.

Educated in Sarnia at the Separate School and Collegiate Institute and in Toronto at Osgoode Hall, he read law with Hanna, Lesueur and Price in Sarnia and with W. M. Douglas, K.C., and F. E. Hodgins, K.C., in Toronto. In 1911 he was called to the Bar of the Province of Ontario, in 1928 he was created a King's Counsel and in 1932 he was appointed a Member of the Ontario Parole Board and a Justice of the Supreme Court of Ontario.

In 1935 he was appointed to the Supreme Court of Canada. In 1937 the University of Ottawa and in 1954 the University of New Brunswick conferred upon him the honorary degree of Doctor of Laws. In case of the absence from Ottawa of the Governor General, and on other occasions at His Excellency's request, the Chief Justice acts as Deputy Governor General. In the event of His Excellency's absence from Canada, the Chief Justice becomes the Administrator of the Government of Canada.



# The Hon. Mr. Justice I. C. Rand

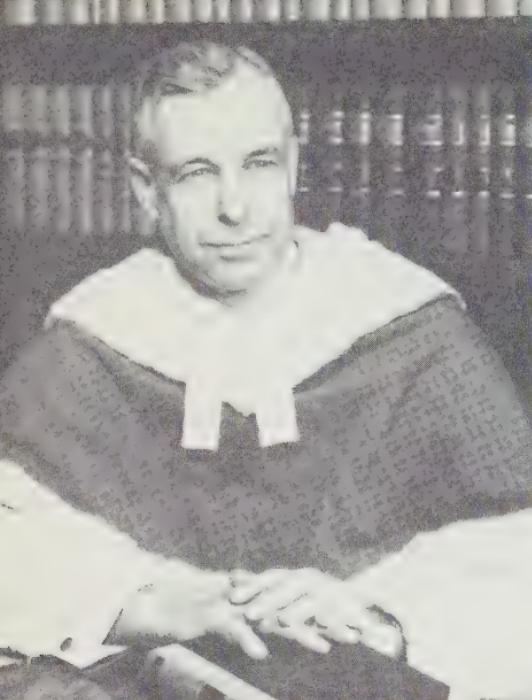


Mr. Justice Ivan Cleveland Rand was born at Moncton, New Brunswick on April 27th, 1884, the son of Nelson L. and Minnie Rand. Educated at Mount Allison University and Harvard Law School, he was admitted to the Bar of New Brunswick in 1912. In 1913 he married Iredell Baxter, daughter of Dr. R. G. Baxter, formerly of Moncton, deceased, and has two sons.

He moved to Regina, Saskatchewan, and later to Medicine Hat, Alberta, where he practised his profession from 1913 to 1920. He returned to Moncton and continued in general practice until 1926. In 1924-25 he was Attorney General of New Brunswick. From 1926 to 1943 he was a Counsel for the Canadian National Railways.

On April 22nd, 1943, he was appointed to the Supreme Court of Canada. In 1945-46 he was the arbitrator of the Ford labour dispute, and in 1947 he acted as a member of the United Nations Special Committee on Palestine. He holds the honorary degree of D.C.L. from Mount Allison University, and the honorary degree of LL.D from the University of New Brunswick, Dalhousie University, Columbia University (New York) and Queen's University.

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# The Hon. Mr. Justice R. L. Kellock

Mr. Justice Roy Lindsay Kellock was born November 12th, 1893, at Perth, Ontario, the son of James Francis Kellock and Annie McDonald. He was educated at Perth Public School, Harbord Collegiate, Toronto, McMaster University, Hamilton, and Osgoode Hall, Toronto.

Called to the Bar of Ontario September, 1920, he practised his profession in Toronto. In 1934 he was appointed a King's Counsel, in December, 1942, to the Court of Appeal for Ontario, and in October, 1944, to the Supreme Court of Canada. Mr. Justice Kellock is Chancellor of McMaster University and former Chairman of the Board of Governors. He was married in 1932 to Elinor Harris, of Toronto. There is a son and a daughter of the marriage.

In 1950 McMaster University conferred upon him the honorary degree of Doctor of Laws and in 1952 Acadia University the honorary degree of Doctor of Civil Law.

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# The Hon. Mr. Justice J. W. Estey

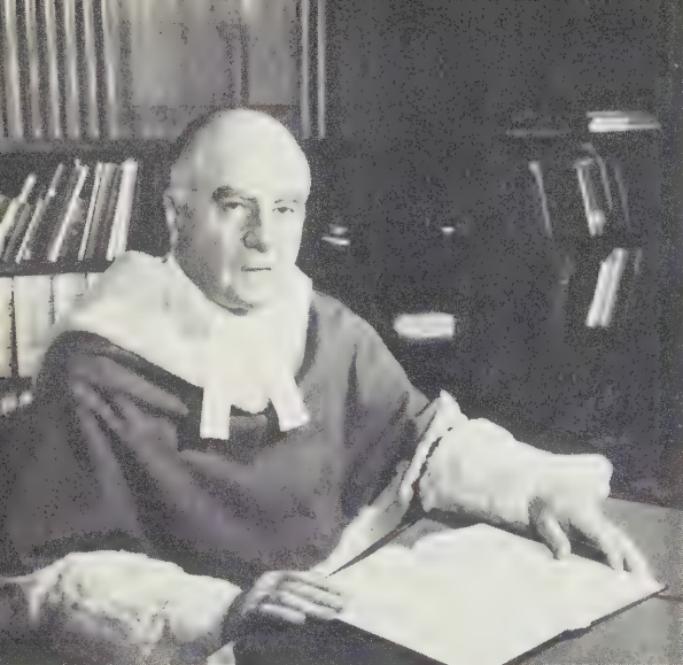


Mr. Justice James Wilfred Estey was born December 1st, 1889, at Keswick Ridge, near Fredericton, New Brunswick, the son of Byron Leslie Estey and Sarah Ann Kee. He was educated at the public schools in Fredericton, New Brunswick, the University of New Brunswick and Harvard Law School. In 1916 he married Muriel Alice Irving Baldwin and there are three sons of this marriage.

Admitted to the Bar of Saskatchewan in 1917 he practised his profession at Saskatoon. From 1915 to 1925 he was lecturer in law at the University of Saskatchewan. He was agent of the Attorney General, Judicial District of Saskatoon, 1921 to 1929, and Governor of the University of Saskatchewan from 1926 to 1934. In 1928 he was created a King's Counsel. On July 19th, 1934, he was sworn in as Minister of Education in Honourable J. G. Gardiner's Cabinet and reappointed in Mr. Patterson's Cabinet, November 1st, 1935. On the 30th June, 1939, he was sworn in as Attorney General. He resigned as Minister of Education on June 30th, 1941, and as Attorney General July 10th, 1944.

He was appointed to the Supreme Court of Canada on October 6th, 1944. In 1945 the University of New Brunswick conferred upon him the honorary degree of Doctor of Laws and in 1953 the University of Saskatchewan the Honorary Degree of Doctor of Civil Law.

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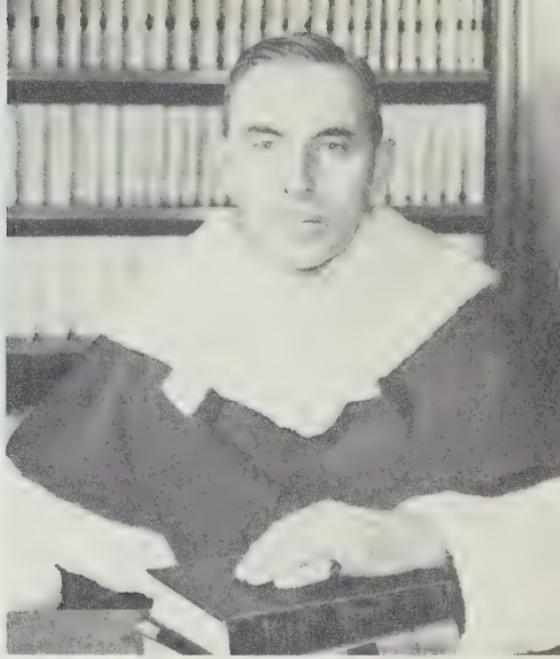
# The Hon. Mr. Justice C. H. Locke

**M**r. Justice Charles Holland Locke was appointed to the Supreme Court of Canada on June 3rd, 1947. He was born September 16th, 1887, at Morden, Manitoba, the son of His Honour Corbet Locke, the Judge of the County Court of the Southern Judicial District of Manitoba, and Esther Alice (Holland) Locke. Educated at Modern Public School, he was called to the Bar of Manitoba in 1910 and practised law at Winnipeg.

He enlisted in 1915 and served Overseas in the First World War with the 61st Battery, Canadian Field Artillery, and was awarded the Military Cross. He was created a King's Counsel in Manitoba in 1926, and was a Bencher of the Law Society of Manitoba from 1925 to 1927..

In 1928 he moved to Vancouver where he was called to the Bar of British Columbia. In 1936 he was created a King's Counsel. From 1939 to 1947 he was a Bencher and in 1944 and 1945 the Treasurer of The Law Society of British Columbia. He married Marie Amelie, daughter of Clayton M. Weiss, of Winnipeg, and one son and two daughters were born of the marriage.

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Mr. Justice John Robert Cartwright was appointed to the Supreme Court of Canada on December 22nd, 1949. He was born March 23rd, 1895, at Toronto, Ontario, the son of James Strachan Cartwright, K.C., B.A. (Oxon.), Master in Chambers of the Supreme Court of Ontario, and Jane Elizabeth Young, of Weymouth, England.

Mr. Justice Cartwright is a grandson of John Solomon Cartwright, Q.C., Member of the Legislative Assembly of Canada and a Bencher of the Law Society of Upper Canada, and a great grandson of Honourable Richard Cartwright, United Empire Loyalist, a judge of the Common Pleas and a member of the Legislative Council of Upper Canada.

Educated at Upper Canada College and Osgoode Hall, he was called to the Bar of Ontario in May, 1920, with honours and silver medal. In 1933 he was appointed a King's Counsel. In 1946 he was elected a Bencher of the Law Society of Upper Canada.

He served overseas in World War 1914-1918 with 3rd Canadian Infantry Battalion (Toronto Regiment) and was wounded at Festubert, May, 1915, and at Ploegsteert, September, 1915. From 1916 to 1918 he was A.D.C. to G.O.C. 3rd Canadian Division and in 1917 he was awarded the Military Cross. He married Jessie Carnegie Gibson, daughter of Thomas Alexander Gibson, Q.C. of Toronto, and one daughter was born of the marriage.



The Hon.  
Mr. Justice  
Gerald  
Fauteux

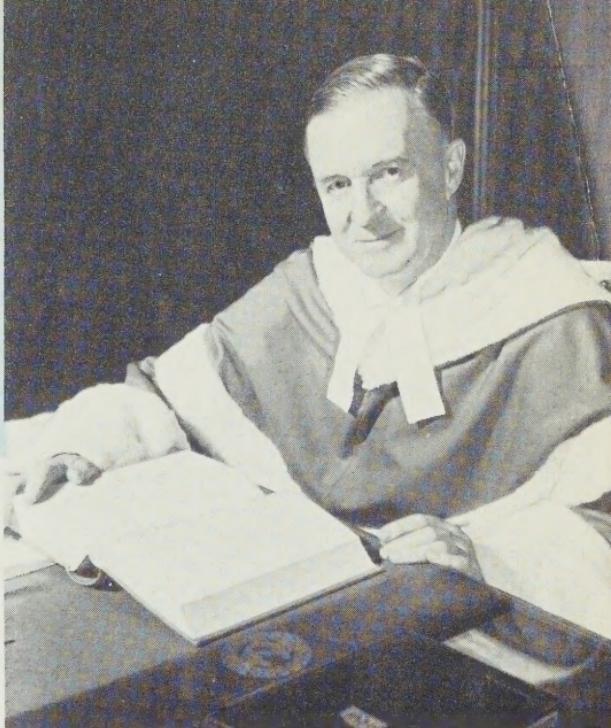
Mr. Justice Gerald Fauteux was born on October 22nd, 1900, at St. Hyacinthe, Quebec, the son of Homere Fauteux and Heva Mercier. He is the grandson of the late Honourable Honore Mercier, a Premier of the Province of Quebec. Educated at St. Mary's College, Montreal, Sacred Heart College, Sudbury, Ontario, and the University of Montreal, Montreal, he was admitted to the Bar of Quebec in July, 1925, and created a King's Counsel in 1933. From 1925 to 1947 he practised his profession in Montreal.

He was Chief Crown Prosecutor for the Province of Quebec from 1939 to 1944 and Professor of Criminal Law at McGill University from 1936 to 1950. In June, 1949, he was appointed Dean of the Faculty of Law, McGill University, and he resigned this position in 1950. From 1941 to 1947 he was Honorary Secretary of the Canadian Bar Association.

In April, 1947, he was appointed a Justice of the Superior Court of Quebec and in December, 1949, a Justice of the Supreme Court of Canada. He married Yvette, daughter of Oscar Mathieu, of Outremont, Quebec, on December 9th, 1949, and there are three daughters and two sons of the marriage. The University of Ottawa conferred the Honorary Degree of Doctor of Laws upon Mr. Justice Fauteux in 1953.

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# The Hon. Mr. Justice D. C. Abbott

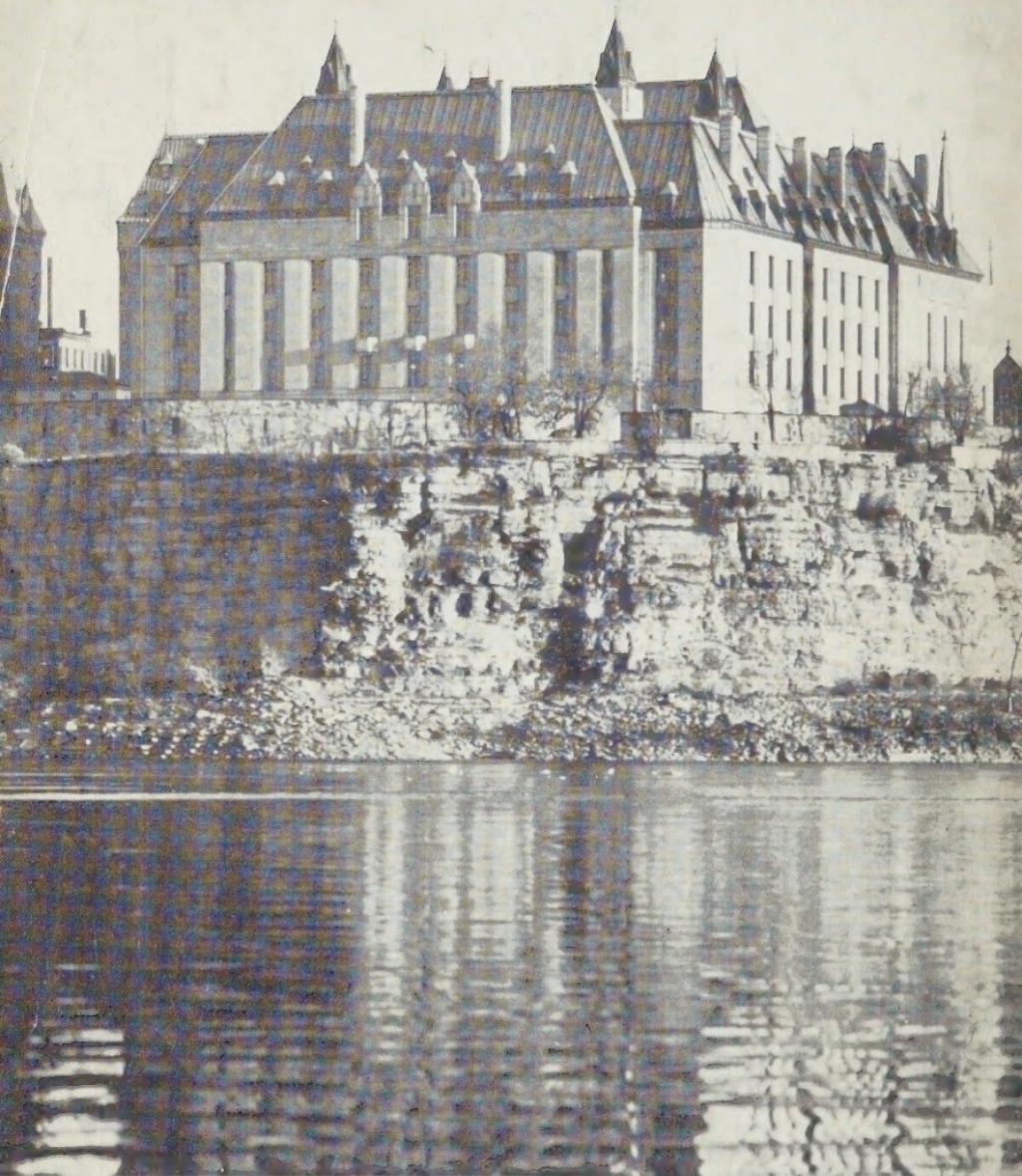


**M**r. Justice Douglas Charles Abbott was appointed to the Court on July 1st, 1954. He was born May 29th, 1899, at Lennoxville, Quebec, the son of Lewis Duff Abbott and Mary Jane Pearce. He was educated at Bishop's College, McGill University and Dijon University, Dijon, France.

He served overseas in World War 1914-18, with the 7th (McGill) Siege Battery 1916-1918 and the Royal Air Force 1918. On September 22nd, 1925, he married Mary Winifred Chisholm, daughter of the late W. C. Chisholm, K.C., of Montreal, and two sons and one daughter were born of the marriage. He practised law in Montreal.

First elected to the House of Commons in 1940 he was re-elected in 1945, 1949 and 1953. On April 18th, 1945, he was sworn of the Privy Council and appointed Minister of National Defence for Naval Services and on August 21st, 1945, he was appointed Minister of National Defence (Army). On December 19th, 1946, he was appointed Minister of Finance and he held that portfolio until his appointment to the Supreme Court of Canada. He holds the honorary degree of Doctor of Civil Law from Bishop's University and the honorary degree of Doctor of Laws from McGill University.

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